

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings is a replacement sheet containing Figure 6.

Attachment: Replacement sheet (1 sheet);

REMARKS

Receipt of the official action mailed June 22, 2006 is acknowledged.

In response to the objection to Fig. 6, applicant hereby submits replacement sheet Fig. 6 which is now designated as prior art in the legend. Accordingly, the objection should be withdrawn.

The rejection of claims 1, 2, 5 and 6 should be withdrawn because Williams fails to teach or suggest the method of or an apparatus for producing active water by heating purified water as recited in independent claims 1 and 5. In response to the rejection of claim 1, claim 1 has been amended to positively recite, in part, a method comprising "heating purified water with a heating element" and "applying a high voltage to the purified water with a high potential generating device that is different than the heating element." Claim 5 has been amended to positively recite, in part, an external heater. Support for these amendments can be found throughout the application. See, for example Figure 1 and paragraph 36.

By comparison, Williams discloses a water heater operating at "high tension" that heats the water by direct passage of current between an electrode at earth potential. The heater of Williams is immersed in the water. Moreover, in Williams the device that provides the electrical potential and the device that heats the water are one and the same. Thus, Williams specifically discloses the use of only a single device (i.e., an electrode) to both heat the water and to apply voltage. Accordingly, Williams cannot anticipate claim 1 or claim 5, and the rejection should be withdrawn.

Furthermore, there would be no suggestion to modify Williams to reach the claimed invention without changing the principle of operation of the reference and without discarding the express teachings of the reference. To add a separate heater to Williams, when Williams already uses a combined heating and potential generating element would render one of the heaters entirely superfluous, and thus there would be no motivation to make such a modification. Further, there would be no reason to discard the internal heating aspect of Williams using only a single component to heat and supply the electrical potential, as discarding any such aspect would run counter to the express teachings of Williams. Accordingly, no proper *prima facie* case of obviousness can be based even in part on Williams. Thus, claims 1 and 5 are in allowable form, as are the claims dependent on claims 1 and 5.

Scataloni is deficient as a reference for the same reasons as Williams. Scataloni discloses a water conduction heater that has a single device (i.e., electrode(s)) that provide both the heating

element and the voltage generating device. Accordingly, Scataloni cannot anticipate any of the pending claims and the rejection should be withdrawn.

Further, as with Williams, there would be no suggestion to eliminate the internal heating aspect in favor of a separate heater. Moreover, Scataloni relates to a conduction heater and does not provide or produce active water in any event, and thus Scataloni is non-analogous art. One concerned with producing active water simply would not look to a conduction heater that fails to make active water at all for a solution to making active water more quickly. Non-analogous art cannot form the basis for a *prima facie* case of obviousness.

Moreover, there simply is no way to modify the Scataloni reference to reach the claimed invention without using applicants' own disclosure as a template. Such modifications would impermissibly change the principle of operation of the reference, and would destroy the express teachings of the reference. Consequently, there can be no proper *prima facie* case of obviousness based even in part on the Scataloni reference.

While Roberts discloses an apparatus having a heating element that is different than the high potential generating device, it fails to teach or suggest that these two elements are used simultaneously to produce active water. In fact, Roberts teaches that as the temperature in the apparatus increases, the voltage decreases. See column 1, lines 62-64. This is the opposite of what is recited in the independent claims. Accordingly, Roberts cannot anticipate any of the pending claims and the rejection should be withdrawn.

Furthermore, because Roberts fails to teach or suggest the claimed method for production of active water (i.e., water that is artificially processed to have the properties of mineral water), there can be no *prima facie* case of obviousness based on Williams.

Further, there is simply no way to combine a reference that uses heat and applies a potential *in sequence* (Roberts), with any reference that heats and applies potential at the same time (Williams and Scataloni). The references operate on mutually exclusive principles, and simply are not combinable in any event.

Moreover, there simply is no way to modify the Roberts reference to reach the claimed invention without using applicants' own disclosure as a template. Such modifications would impermissibly change the principle of operation of the reference, and would destroy the express

teachings of the reference. Consequently, there can be no proper *prima facie* case of obviousness based even in part on the Roberts reference.

New claims 9 and 10 are in allowable form for at least the reasons outlined above with respect to claims 1 and 5. Further, none of the cited references, either alone or in any proper combination, teach or even suggest the method of claim 9 or the apparatus of claim 10.

In view of the above amendment, applicant believes the pending application is in condition for allowance, however, if the examiner has any further questions, he is invited to contact the undersigned agent or David C. Read, attorney for applicant, at the number below.

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Respectfully submitted,

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